

**Notice of Allowability****Application No.**

10/788,506

**Applicant(s)**

WENDER, DAVID

**Examiner**

MURIEL TINKLER

**Art Unit**

3691

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on August 10, 2010.
2. ☒ The allowed claim(s) is/are 1-32 and 36-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20101101.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/M. T./  
Examiner, Art Unit 3691

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691

### **DETAILED ACTION**

This application has been reviewed. Claims 1-32 and 36-68 have been examined. The reasons for allowance are as follows.

### **EXAMINER'S AMENDMENT**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: page numbers on each of the seven pages; and, a formal copy of the drawings (replacing hand written comments with typed arrows, lettering and symbols). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### ***Drawings***

The drawings were received on November 4, 2010. These drawings are acceptable.

### ***Allowable Subject Matter***

Claims 1-32 and 36-68 allowed.

The following is an examiner's statement of reasons for allowance:

The closest prior art is:

- Lange (US PG Pub. 2002/0147670). Lange discloses: offering a digital option spread (paragraph 797); determining the type of option spread based on comparing a first option spread to a second option spread (paragraph 783); the calculation of an option spread (paragraph 806). Lange does not disclose the use of an exchange which assigns an option code.
- Melkomanian et al. (US PG Pub. 2002/0128952). Melkomanian discloses the use of options and option spreads within the New York Exchange.

The combined references do not teach all limitations of the independent claims, including the specifics of the received first option, second option and option spread as claimed. More specifically, the prior art did not specifically teach the following combination:

- that the first option comprises an option code, a contract, a strike, and a callput
- assigning a quantity for the first option
- determining a second previous option count
- receiving a second option from an input device, the second option comprising an optioncode, a contract, a strike, and a callput
- comparing the second option to the first option

- assigning a quantity for at least one of the first option and the second option based upon the comparison of the second option to the first option; and
- determining a type of option spread based upon at least one of the first and second option counts, the comparison of the second option to the first option, and the assigned quantities of the first and second options.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MURIEL TINKLER whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 8:30 AM until 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art  
Unit 3691

/M. T./  
Examiner, Art Unit 3691